

# HOUSE BILL 879

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CF 01r2323

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By: **Delegates Kramer, Barkley, Barnes, Bates, Carr, Conaway, Feldman, Frank, Hecht, Heller, Ivey, Jenkins, Kaiser, Kelly, Lee, Manno, McConkey, Miller, Murphy, Reznik, Rice, Shank, and Smigiel**

Introduced and read first time: February 10, 2010

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living and Nursing Home Residents Protection Act of 2010**

3 FOR the purpose of requiring that, during a certain application process, nursing  
4 homes and assisted living facilities apply for a State criminal history records  
5 check of certain residents and check a certain registry; requiring certain  
6 facilities to require a State criminal history records check for certain residents  
7 on or before a certain date; requiring certain facilities to place certain residents  
8 in private rooms, provide certain notice to certain employees, and develop  
9 certain care plans; requiring certain facilities to provide certain individuals  
10 with a certain notice and a certain signed statement; requiring certain facilities  
11 to require certain individuals to sign a certain statement; requiring certain  
12 facilities to file certain statements for certain periods of time; requiring certain  
13 facilities to place prominently a certain notice in the facility; defining certain  
14 terms; requiring local law enforcement units to send a certain notice to certain  
15 facilities under certain circumstances; and generally relating to the protection of  
16 residents in assisted living facilities and nursing home facilities.

17 BY repealing and reenacting, with amendments,  
18 Article – Criminal Procedure  
19 Section 11–709  
20 Annotated Code of Maryland  
21 (2008 Replacement Volume and 2009 Supplement)

22 BY adding to  
23 Article – Health – General  
24 Section 19–2401 through 19–2404 to be under the new subtitle “Subtitle 24.  
25 Criminal Background Check and Notice Requirements for Residents of  
26 Assisted Living Programs or Related Institutions”  
27 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Criminal Procedure**

5 11–709.

6 (a) (1) (i) Every 3 months within 5 days after a sexually violent  
7 predator completes the registration requirements of § 11–707(a) of this subtitle, a local  
8 law enforcement unit shall send notice of the sexually violent predator’s quarterly  
9 registration to the Department.

10 (ii) Every 6 months within 5 days after a child sexual offender  
11 completes the registration requirements of § 11–707(a) of this subtitle, a local law  
12 enforcement unit shall send notice of the child sexual offender’s biannual registration  
13 to the Department.

14 (2) Every 6 months, a local law enforcement unit shall send a child  
15 sexual offender’s and sexually violent predator’s updated photograph to the  
16 Department within 6 days after the photograph is submitted.

17 (b) (1) As soon as possible but not later than 5 working days after  
18 receiving a registration statement of a child sexual offender or notice of a change of  
19 address of a child sexual offender, a local law enforcement unit shall send written  
20 notice of the registration statement or change of address to the county superintendent,  
21 as defined in § 1–101 of the Education Article, and all nonpublic primary and  
22 secondary schools in the county within 1 mile of where the child sexual offender is to  
23 reside or where a child sexual offender who is not a resident of the State is a transient  
24 or will work or attend school.

25 (2) As soon as possible but not later than 10 working days after  
26 receiving notice from the local law enforcement unit under paragraph (1) of this  
27 subsection, the county superintendent shall send written notice of the registration  
28 statement to principals of the schools under the superintendent’s supervision that the  
29 superintendent considers necessary to protect the students of a school from a child  
30 sexual offender.

31 (c) A local law enforcement unit that receives a notice from a supervising  
32 authority under this subtitle shall send a copy of the notice to the police department, if  
33 any, of a municipal corporation if the registrant:

34 (1) is to reside in the municipal corporation after release;

35 (2) escapes from a facility but resided in the municipal corporation  
36 before being committed to the custody of a supervising authority; or



1 **19-2401.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (B) "FACILITY" MEANS AN ASSISTED LIVING PROGRAM FACILITY  
5 REGULATED UNDER SUBTITLE 18 OF THIS TITLE AND A NURSING HOME  
6 REGULATED UNDER SUBTITLE 14 OF THIS TITLE.

7 (C) "IDENTIFIED REGISTRANT" MEANS AN INDIVIDUAL WHO IS  
8 REQUIRED TO REGISTER UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL  
9 PROCEDURE ARTICLE.

10 **19-2402.**

11 (A) DURING THE ADMISSION PROCESS, A FACILITY SHALL:

12 (1) REQUIRE A STATE CRIMINAL HISTORY RECORDS CHECK FOR  
13 EACH RESIDENT WHO IS AT LEAST 18 YEARS OLD; AND

14 (2) CHECK THE MARYLAND SEX OFFENDER REGISTRY ON THE  
15 WEBSITE OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL  
16 SERVICES TO DETERMINE IF THE APPLICANT RESIDENT IS AN IDENTIFIED  
17 REGISTRANT.

18 (B) ON OR BEFORE DECEMBER 1, 2010, A FACILITY SHALL REQUIRE A  
19 STATE CRIMINAL HISTORY RECORDS CHECK FOR EACH RESIDENT OF THE  
20 FACILITY WHO IS AT LEAST 18 YEARS OLD AS OF OCTOBER 1, 2010.

21 **19-2403.**

22 IF AN IDENTIFIED REGISTRANT IS A RESIDENT OF A FACILITY, THE  
23 FACILITY SHALL:

24 (1) PLACE THE IDENTIFIED REGISTRANT IN A PRIVATE ROOM;

25 (2) PROVIDE NOTICE TO EMPLOYEES OF THE FACILITY THAT THE  
26 IDENTIFIED REGISTRANT IS A RESIDENT OF THE FACILITY; AND

27 (3) DEVELOP A CARE PLAN TO PROTECT THE OTHER RESIDENTS  
28 OF THE FACILITY FROM THE IDENTIFIED REGISTRANT.

29 **19-2404.**

1           **EACH FACILITY SHALL:**

2                   **(1) (I) PROVIDE TO EACH PROSPECTIVE AND CURRENT**  
3 **RESIDENT OR GUARDIAN OF A RESIDENT A WRITTEN NOTICE CONCERNING THE**  
4 **MARYLAND SEX OFFENDER REGISTRY AND THE AVAILABILITY OF THE**  
5 **REGISTRY ON THE WEBSITE OF THE DEPARTMENT OF PUBLIC SAFETY AND**  
6 **CORRECTIONAL SERVICES;**

7                   **(II) REQUIRE EACH PROSPECTIVE AND CURRENT RESIDENT**  
8 **OR GUARDIAN OF A RESIDENT TO SIGN A STATEMENT ACKNOWLEDGING**  
9 **RECEIPT OF THE WRITTEN NOTICE;**

10                   **(III) PROVIDE EACH PROSPECTIVE AND CURRENT RESIDENT**  
11 **OR GUARDIAN OF A RESIDENT WITH A COPY OF THE SIGNED STATEMENT; AND**

12                   **(IV) KEEP A COPY OF THE SIGNED STATEMENT ON FILE FOR**  
13 **AS LONG AS THE RESIDENT RESIDES AT THE FACILITY; AND**

14                   **(2) PROMINENTLY DISPLAY A SIGN AT THE ENTRANCE OF THE**  
15 **FACILITY THAT PROVIDES WRITTEN NOTICE CONCERNING THE MARYLAND SEX**  
16 **OFFENDER REGISTRY AND THE AVAILABILITY OF THE REGISTRY ON THE**  
17 **WEBSITE OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**  
18 **SERVICES.**

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2010.